

## CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)

Applicant(s):

Docket No.

99.45 (formerly 2870/287)

Serial No.  
09/554,984Filing Date  
May 23, 2000Examiner  
A. PryorGroup Art Unit  
1616

Invention:

Composition For Improving Skin Lipid Barrier Function

I hereby certify that this Fax Cover, Amend. (3 pg), Copy Ret. Postcard showing PTO Date Stamp, Assoc. POA  
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## 2870/287 - COMPOSITION FOR IMPROVING SKIN LIPID

BARRIER FUNCTION

Maes, et al.

99.45US

The following documents were deposited in First Class Mail on December 13, 2001:

1. Certificate of Mailing by First Class Mail
2. Combined Amendment & Petition for Extension of Time in duplicate
3. Amendment (3 pages) *D I P*
4. Stamped, self-address return postcard listing contents of submittal.



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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Maes et al.

Serial No.: 09/554,984

Group Art Unit: 1616

#6  
HKO

Filed: May 23, 2000

Examiner: A. Pryor

4-24-02

For: COMPOSITION FOR IMPROVING SKIN LIPID BARRIER FUNCTION

## RESPONSE UNDER 37 CFR 1.111

Assistant Commissioner of Patents

Washington, D.C. 20231

Sir:

In response to the office action dated August 14, 2001, please enter the following amendment.

REMARKS

Claims 1-5, 7-9, 14, 16-18, 20, 21 23, 24, 26, and 27 have been rejected under 35 USC §103(a) as being unpatentable over DasGupta et al and Dijkstra, in combination. Claim 28 has neither been rejected or indicated as allowable, so it treated below as one of the rejected claims. The rejection states that:

DasGupta teaches a method of applying betulinic acid to skin for the treatment of melanoma....DasGupta does not teach the method comprising Vitamin D analogs. However, Dijkstra teaches a method of applying vitamin D analogs to skin for the treatment of melanoma....In the absence of unexpected results, it would have been obvious to one having ordinary skill in the art to combine the methods. One would have been motivated to do this since both methods individually teach the treatment of melanoma.

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Before addressing the substance of the rejection, Applicants will briefly review the nature of the invention. The present claims are based on the discovery that the combination of a protease inhibitor and a cell differentiation enhancer can be used to enhance and strengthen the skin's naturally occurring lipid barrier. The activity of the this combination allows compositions containing them to be used in a variety of skin treatment methods, for example, in treating dry skin, protecting the skin from the effects of irritants and UV exposure, and enhancing the process of sunless tanning. The claims of the application are of two types, one group being directed to the compositions comprising the protease inhibitor and the

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